

**REPRESENTATIVE TOWN MEETING
TOWN OF DARIEN
PUBLIC WORKS COMMITTEE
SPECIAL MEETING OF July 20, 2009**

The Committee met in Room 213 of Town Hall. The meeting was called to order at approximately 7:35 pm.

Present: Adiletta, Kelly, Grogan, Poli, Ridley, Noe, D'Urso, Nizolek, Piccaro, Smith, Voigt (11)

Absent: Berl, Rayhill, Peters (3)

Meeting Agenda

- Mr. Steeger (Department of Public Works)

Update on Flooding Projects

- Status of DEP prehearing and hearing dates
- Q&A
- Approve Minutes
- Noroton Heights/Baker Woods Drainage Project
 - Impact summary
 - District IV and Baker Woods neighborhood feedback.
 - Environmental (trees, wetlands, DHS remediation, parks)
 - Process DEP and EPC. Assessment by local authority.
 - Conditions precedent
 - Regulatory approvals, easements, consents, proposals and firm cost estimates
 - Technical aspects
 - Project role as part of town wide program
- Milone and MacBroom presentation on their recommendations on the Stony Brook Watershed Study.

Guests

Mrs. Klein (First Selectwoman), Karl Kilduff (Town Administrator)

Mr. Steeger gave an update on the DEP adjudicatory process related to the Noroton Heights Baker Woods Drainage Project ("NHBWDP"). Takeaways were 1) prehearing and hearing dates will be set at meeting in Hartford 7/21 2) first hearing to take place in vicinity of Darien, anybody can speak 3) second hearing to take place in Hartford, only registered interveners can present 4) interveners will need to present support for their case (alternatives) with data, professional analyses, impact studies etc. 5) the process is underway and pretty much needs to be worked through once triggered, and 6) the first meeting won't take place for at least 30 days due to notice requirements. Had this process not been triggered the DEP was on the verge of approving the application.

Mr. Steeger with input, from Mrs. Klein and Mr. Kilduff, explained the DEP had claimed exclusive jurisdiction over the project via its power over the dam portion (and all ancillary elements such as excavation, tree removal, wetlands remediation) of the detention pond portion of the plan. Wetlands permits will still be needed for the I-95 to Baker Woods portion of the project as well as the town hall portion and the EPC will review these applications. There was also mention of P&Z review, specifics are unclear.

Several present expressed dismay that no local review panel was going to review such a significant portion of the project in a town woodland park. It was acknowledged by most in attendance that until recently they had expected the EPC would review the project and its impacts on behalf of the citizens of Darien.

Mr. Steeger gave a recap of the project. In response to questions he noted that at the inception of the process two or so years ago several alternatives were evaluated in a sit down session with the DEP and that this project was viewed as most viable. Issues with several of the other alternatives were described and questions answered. Mr. Steeger answered questions related to the mechanical aspects of the project, confirmed several easements were to be required related to the Maple Street portion of the project.

The recap provided:

- The Heights Road commercial area is subject to flooding that causes significant property damage to the property and business owners in the area.
- In order to release the flood waters now held in the Heights area and carry the water away, a new culvert is proposed parallel to the existing culvert, under the rail road tracks to prevent flood waters from backing up in the Heights Road commercial area which was described to include the portion of Heights Road from Edgerton Street to past the Deli and part of the SS parking lot.
- The new culvert and increased discharge could produce more frequent and more severe flooding on some properties south of I-95.
- A new culvert between I-95 and Baker Park to prevent flooding to the properties on Maple Street and Relihan Road that would result from releasing the water now stored in the Heights. This is the portion that requires several easements.
- Baker Park will be used to as flood control for water displaced from the immediate Noroton Heights business district. This essentially replaces the flood storage that was eliminated in the Heights and controls the release of those waters downstream from Baker Field. Questions related to trees and excavations were addressed.
- A wetlands mitigation project at DHS was mentioned.
- A stream channel enhancement project on the Stony Brook near Town Hall was mentioned.
- Estimated cost of the project is approximately \$5.6 million, and was noted as just an estimate. It was noted by several PWC members that all of the \$5.6MM was included in the budget approved in May. Mrs. Klein noted that bonding for the project would need to come before the RTM for approval.

Mr. Steeger clarified several elements of the project raised by:

- Nizolek on the DEP process, adjudicatory process (with help from Mr. Kilduff) and timing on DEP claim of exclusive jurisdiction.
- Voigt related to the alternatives attached to the DEP application
- Noe on the buildings impacted by flooding on Heights Rd.
- Smith on easements, history and process

A PWC discussion followed. Adiletta reminded those present that the PWC members are here to convey not only personal views but also the views of the residents of their respective districts. Every member present participated in the discussion. The need for flooding relief in the business district was noted and generally not disputed. A concern was raised that some portion of the public may think this project is a solution to flooding in the greater Noroton Heights area as opposed to the localized business district. The idea of revisiting acquisition of the flood-prone buildings in the current market before proceeding was mentioned by at least two members. Several expressed concern that once the DEP claimed exclusive jurisdiction on the biggest portion of the project that the possibility of an objective review from a local perspective had been lost. It was clear several members had been planning on deferring judgment on the environmental aspects to the better qualified EPC. A member raised the “attractive nuisance” potential of have a large detention pond adjacent to a play area. One member was unclear why a previous review by consultant Leonard Jackson did not deem a down stream detention pond as necessary. It was not clear what level of approval this previous analysis achieved. Two members expressed serious concern that regulatory approvals, easements, consent, rights-of-way be obtained before commencing construction if the project were to be approved. The LaForge delay, work around and cost were cited as a recent example of what can happen. It was noted that this project is not consistent with an

“urban plan” giving one member pause. It was explained that to destroy a town asset (understood to be the natural setting of Baker Woods) to solve the flooding problem is what is inconsistent. By way of example, to tear up developed area such as a parking lot as part of the solution would be more consistent with such a plan. It was noted that the approval of the project by the DEP was understood by some members to be part of the process of developing a plan to solve the flooding in the NH business district. Several members felt that once approved the plan, as approved, should be presented to the RTM for feed back on whether there was a will to proceed. Without a step where the RTM is presented with the final proposed project, there is a concern the current view of the public (yes or no) will not be heard or acted upon.

Given the various views expressed, questions raised and in the interest of making sure the residents of Darien understand the project being pursued, its role in the town wide flood mitigation plan the following sense of the meeting statement was put forth by [Grogan] with [Smith] as second:

Is there a desire, obligation and/or need to comment publicly as a body on the Heights Road Drainage Project as currently proposed to the Connecticut DEP?

The vote unanimous 11 yes, 0 no, 0 abstentions

The minutes to the April meeting were approved.

The vote unanimous 11 yes, 0 no, 0 abstentions

Adiletta asked that each member present submit in writing specific items to be considered for inclusion in a public statement. These will be assembled and considered at a future meeting.

The meeting adjourned 9:45PM

Mark Adiletta

Public Works Committee (Chair/Acting Secretary)